

## Integral Policy for Overcoming Criminal Acts in The Waters of Lampung Province

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### ABSTRACT

**Objective:** This study aims to analyze various forms of criminal acts in the marine and fisheries sectors within Lampung waters and evaluate the implementation of integral policy responses to maintain maritime security and resource sustainability. **Method:** The research applies a multidisciplinary approach that includes legal, analytical, historical, case, and comparative methods. Additionally, field research and in-depth interviews with stakeholders from relevant institutions are conducted to support the findings with empirical data. **Results:** The study identifies multiple criminal activities, including fish bombing, illegal fishing, smuggling, narcotics trafficking, theft, oil and gas crimes, illegal mining, mismanagement, sexual offenses, possession of sharp weapons, and extortion. In response, two main policy strategies are implemented: non-penal (preventive) efforts—such as socio-economic development, legal awareness campaigns, moral education, and maritime patrols—and penal (repressive) efforts, emphasizing firm law enforcement to deter recidivism and reinforce legal compliance. **Novelty:** This study provides a comprehensive criminological analysis of maritime crimes specific to Lampung waters, integrating both preventive and repressive dimensions, and offers a model of integral policy implementation that balances social defense and welfare to strengthen maritime governance.

## INTRODUCTION

The sea is one of the main heritage sites of our nation. Long ago, before the emergence of various declarations, Indonesia had issued the 1958 Juanda Declaration, the main purpose of which was to form an archipelago. It was eventually realized in the UN convention (UNCLOS 1982). Indonesia's total waters range from 3.25 million km<sup>2</sup>, with an area divided into 8500 being home to a variety of fish species 45% of the world, coral reefs, approximately 700 types of seaweed, and 450 new coral species (1). Indonesia is known as a country that has abundant natural resource potential, especially in the maritime sector. Called the largest maritime and archipelagic country in the world, Indonesia is known to have marine waters of around 5.8 million km<sup>2</sup> (75 percent of Indonesia's total territory) consisting of 0.3 million km<sup>2</sup> of territorial sea waters; 2.8 million km<sup>2</sup> of archipelagic sea waters; and 2.7 million km<sup>2</sup> of Indonesian Exclusive Economic Zone (EEZ) sea waters. Indonesia's maritime state is very strategic. Geographically, Indonesia is flanked by two oceans and two continents: the Indian and Pacific Oceans and the Asian and Australian Continents. This strategic position makes Indonesia a very important route for national and international shipping (2).

One of the requirements for putting the national development process into action in order to achieve national goals characterized by guaranteed security, order, and law enforcement as well as the maintenance of tranquility, which contains the capacity to foster and develop the potential, security, and public order are dynamic conditions of society. and strength of the community in counteracting, preventing, and overcoming all forms of lawlessness and other forms of disturbance that can disturb the community. Internal security is a situation characterized by the security and order of the community, order, and law enforcement, as well as the execution of community services, protection, and protection. Determining the Organizational Structure and Work Procedures of the National Police of the Republic of Indonesia, based on Presidential Regulation of the Republic of Indonesia No. 5 of 2017 about Amendments to Presidential Regulation No. 52 of 2010, is the main implementing element under the Head of the National Police Headquarters led by Kakorpolairud and is responsible to the Head of the National Police Headquarters, where Korpolaairud Baharkam Polri oversees the Directorate of Water Police and the Directorate of Air Police (3).

It is known that there are several criminal acts that occur in Indonesian waters, one of which is in Lampung Province. Crimes in the marine and fisheries sector in Lampung Waters, among others, are: (4)

1. Baby Lobster catching is prone to occur in the waters of West Pesisir Regency and the seas of Semaka Bay, Kota Agung Regency;
2. Ornamental fish catching with tranquilizer, which is prone to occur in West Pesisir;
3. Destructive fishing is prone to occur in the waters of Semaka Bay Kota Agung, Lampung Bay Waters Pesawaran, Lampung Bay Waters Bandar Lampung, and East Lampung and Tulang Bawang Waters;
4. Illegal Fishing, which is prone to occur in the Waters of Lampung Bay Pesawaran, Lampung Bay Bandar Lampung, Eastern Waters of Tulang Bawang, Waters of Lampung Bay Lamsel, and Eastern Waters of East Lampung;
5. Theft, illegal sea sand mining, piracy, and illegal smuggling are prone to occur in the Lampung Bay Waters of Bandar Lampung City, Lampung Bay Waters of Lamsel, East Lampung Waters in East Lampung, and Tulang Bawang.

Based on the description above, in order to overcome criminal acts in the field of marine and fisheries, several laws and regulations have been promulgated, one of which is Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries and other related laws and several implementing regulations. Law enforcement personnel in Lampung Province have been tasked with carrying out this legislation's execution through their investigations (police, TNI officers, and PPNS), prosecutions (public prosecutors), and court appearances (judges).

## **RESEARCH METHOD**

The problems in this study are the forms of criminal acts in Lampung Waters and how is the integral policy related to countermeasures against criminal acts in Lampung

Waters. This research aims to identify forms of criminal acts in Lampung Waters and to examine and analyze efforts to overcome criminal acts in Lampung Waters. The research methods used in this research are statutory approach, analytical approach, historical approach, case approach, and comparative approach. Furthermore, field research and in-depth interviews with resource people from associated institutions provide factual support.

## **RESULTS AND DISCUSSION**

### **A. Identification of Forms of Crimes in Lampung Waters**

From April 2023 to January 2024, the Indonesia Ocean Justice Initiative (IOJI) detected and analyzed several maritime security threats in Indonesian waters and jurisdictions. These maritime security threats include marine scientific research activities by foreign vessels, cross-border oil spills, and suspected illegal fishing activities by foreign and Indonesian fishing vessels. IOJI uses official and open data sources from various reliable institutions to conduct detection. These data sources include Automatic Identification System (AIS) data, data on fishing vessel licenses from the Ministry of Maritime Affairs and Fisheries (MMAF), satellite data (Sentinel 1, Sentinel 2, and Unseenlabs), and data processed by research institutions, such as the Asia Maritime Transparency Initiative Center for Strategic and International Studies (AMTI CSIS), Skytruth, and Global Fishing Watch (GFW) (5).

Water crimes can be defined as crimes that occur in water areas, such as smuggling, piracy, and illegal fishing, which can have a negative impact on the security and welfare of society, as well as on the marine environment and its natural resources. Irresponsible individuals or organizations can commit water crimes and have far-reaching and harmful consequences, including disrupting national security and humanity (6). Throughout 2022-2024, several forms of criminal acts occurred in Lampung Waters. These forms include Handak, Fisheries, Smuggling, Narcotics, Theft, etc. For the types of criminal acts in Lampung waters themselves, such as:

#### **1. Shipping Crimes**

Broadly speaking, shipping crime violates everything related to transportation in waters, ports, security, and safety. As an archipelagic country with a vast sea, shipping is a daily activity for some people, such as fishermen and people who depend on sea transportation. Shipping is regulated in Law Number 17 of 2008 concerning Shipping. In addition, it is also contained in the Criminal Code Article 466, Article 469, Article 560, and Article 561. All actions or activities or anything related to shipping must not violate the provisions in these rules. The Minister of Transportation authorizes the Syahbandar to implement and enforce the law in shipping and shipping to ensure security and safety on shipping.

As in decision Number 11/Pid.B/2021/PN.Tjk, namely a person who commits the crime of shipping in the form of using a ship to commit acts of violence on a river against another ship or against persons or goods on it after coming to the place and for that

purpose by ship from another place, as in the single charge of violating Article 441 of the Criminal Code. The perpetrator was imprisoned for 3 (three) years and 2 (two) months for his actions.

## 2. Customs Crime

Customs crime refers to any form of violation that occurs in the context of the transportation of goods out of or into the country by sea without obtaining appropriate protection or not by the required customs documents. This customs area covers the entire territory of the Republic of Indonesia, including the land, waters, and airspace above it. It includes special places within the Exclusive Economic Zone (EEZ) and the Continental Shelf, where applicable customs law provisions apply. As in decision Number 1262/Pid.B/2019/PN.Tjk, namely a person selling and providing for sale excisable goods that are not affixed with other required excise payment marks. As a result of failing to have an excise tax band installed as required by law, the offender was subject to an alternative penalty that included a fine of five times the loss.

## 3. Crime of Marine Pollution

The sea floor is a constantly changing phenomenon that should be considered by all of us since it has a significant impact on our daily lives and is necessary for Indonesia's sea level to rise. Marine pollution is manifold, including oil spills, marine debris, industrial waste, etc. Many actions occur in Indonesia's marine areas. They may look ordinary, but the impact is very bad, and their effects can threaten the survival of life on Earth, such as damage to various ecosystems and marine biota. As living beings, we should know that what we do to nature will return to us. The government has regulated Law Number 32 of 2009 concerning Environmental Protection and Management (7) to prevent marine pollution.

## 4. Smuggling

The sea is one of the most common places for smugglers because Indonesia's sea is very wide, and there are many illegal ports and a lack of security from the authorities, which makes it very easy for the perpetrators to move goods without being noticed. Their motives vary, from avoiding customs taxes to carrying prohibited goods such as drugs etc. It is known that around 80% of drugs entering Indonesia pass through the sea route, said the Head of BNN. Smuggling has been regulated in Law Number 10 Year 1995 on Customs (8).

## 5. Piracy

Piracy is a criminal robbery that occurs on the high seas, but sometimes it can also occur on the coast. These days, piracy is often known as sea-armed robbery. What is the difference between the terms "sea/armed robbery" and "piracy"? International law distinguishes between these two terms due to the different legal consequences that apply between sea/armed robbery and piracy. In general and outline, the definition of piracy found in the dictionary includes: (9)

- a. Piracy is an act of piracy that occurs on the high seas, especially when the perpetrator is a passenger of a private vessel, commonly known as a crew member or an airplane against an aircraft or ship that is outside the jurisdiction of a State.

- b. Robbery, which occurs on the open sea by stealing ships from those who own them.
- c. A robbery which was committed at sea.

#### 6. Illegal Fishing

Illegal fishing is an unauthorized fishery activity or a fishery activity carried out contrary to the provisions of the laws and regulations in fisheries (10). Illegal fishing is a violation of the law and a fisheries crime. Illegal fishing overrides the principle of sustainable utilization of natural resources, which can damage or disrupt marine ecosystems. In addition, illegal fishing also ignores regulations regarding the management and utilization of marine resources stipulated in Law No. 45/2009 on Fisheries. Sanctions for perpetrators of illegal fishing by foreign-flagged fishing vessels, as stated in Article 69 paragraph (4), are burning and sinking of vessels if accompanied by sufficient evidence (11). The effects of illegal fishing include the devastation of marine habitats and ecosystems, the ongoing exploitation of marine resources, the loss of local fishermen's market share due to their lower fishing revenue than that of the offenders, and low state revenues as a result of the number of marine products that the offenders steal.

The government has formulated various policies that contain substances that focus more on the nature of "repressive" and "preventive" before criminal acts occur. Article 67 of Law No. 31/2004 on Fisheries mandates that the community can participate in fisheries monitoring, and based on the provisions of Article 9 Paragraph (1) of Minister of Maritime Affairs and Fisheries Regulation No. 40/2014 states that reporting losses, suspected pollution, danger, and environmental harm is part of the community's involvement in monitoring the management of small islands and coastal regions. Community-based supervision can improve community cohesion in safeguarding the region's fishing potential and allowing the community to oversee fishing operations. Fisheries crimes in Indonesian waters that can be subject to criminal sanctions are actions formulated in Law Number 45 of 2009 in *conjunction with* Law Number 31 of 2004 concerning Fisheries (Fisheries Law) (12). Anticipate technological developments in the management of legal needs and have not been able to answer these problems in law enforcement, as well as the formulation of sanctions and coordination between law enforcers in the fisheries sector. Therefore, The Fisheries Law, also known as Law Number 45 of 2009 about Amendments to Law Number 31 of 2004 concerning Fisheries, was passed. hereinafter referred to as the Fisheries Law). One factor that must be considered is the authority to conduct investigations. Because many agencies have the authority to conduct investigations, this will stimulate collusion and nepotism so that the process of resolving illegal fishing cases will not deter the perpetrators (13).

Case handling data dit polairud polda lampung in 2022			
No	Case Type	Amount	Description
1.	Explosives	5	4 cases p21, 1 case investigated
2.	Fishing	1	Delegated to dkp prov lampung

3.	Narcotics	1	1 p21 case
4.	Oil and Gas	2	2 sidic cases
5.	Destruction	1	1 case completed restorative justice
6.	Theft	1	1 case completed restorative justice
Total		31 Cases	5 cases p21, 2 cases completed rj, 1 case handed over to dkp, 3 cases investigated

Source: Directorate of Water and Air Police (Ditpolairud), Lampung Regional Police

Case handling data dit polairud polda lampung in 2023			
No	Case type	Amount	Description
1.	Illegal mining	4	3 cases p21, 1 case investigated
2.	Narcotics	3	3 p21 cases
3.	Handak	5	4 cases p21, 1 case investigated
4.	Sajam	1	1 restorative justice case
5.	Fishing	16	15 cases transferred to provincial dkp, 1 case p21
6.	Violence	1	1 p21 case
7.	Theft	1	1 sidic case
Total		32 cases	12 cases p21, 15 cases transferred to provincial dkp, 2 cases investigated, 1 case investigated, 1 case rj

Source: Directorate of Water and Air Police (Ditpolairud), Lampung Regional Police

Case handling data dit polairud polda lampung as of june 2024			
No	Case type	Amount	Description
1.	Explosives	17	10 cases p21 and 7 cases investigated
2.	Illegal fishing	9	4 cases were handed over to the lampung provincial police department and 2 case was investigated, 3 cases p21
3.	Theft with aggravation	7	4 restorative justice cases, 1 investigated case, 1 sidic case, 1 cases p21
4.	Drug abuse	2	2 sidic cases,
5.	Narcotics	6	3 sidic cases, 3 cases p21

6.	Bksda	2	1 sidic case, 1 case p21
7.	Piracy	1	1 investigated case
8.	Firearm abuse	1	1 sidic case
	Total	45 cases	18 cases p21, 4 cases handed over to dkp lampung province, 11 cases investigated, 8 case sidic, 4 cases rj

Source: Directorate of Water and Air Police (Ditpolairud), Lampung Regional Police

#### B. Integral Policy for Combating Criminal Acts in Lampung Waters Area

Based on the theory put forward by Barda Nawawi Arief in Firganefi and Deni Achmad, efforts to overcome criminal acts can be divided into two, namely: (14)

- a. Non-penal efforts, namely non-penal countermeasures (prevention), such as improving the social and economic conditions of the community, increasing legal awareness and community discipline, and improving moral education.
- b. Penal efforts, which are efforts made to deal with criminals, such as punishment to deter perpetrators, prevention, and social protection.

The Directorate of Water and Air Police (Dirpolairud) of Lampung Police has made various efforts to overcome criminal acts in a non-penal manner, one of which is by intensifying patrols of water areas that are prone to criminal acts. This patrol covers various strategic areas in Lampung Province, which are often prone to criminal acts. waters such as in the waters of the West Coast, Waters in the eastern region, Waters in the southern region, and waters in the Lampung Bay area.

Some of the factors that cause criminal acts in Lampung waters are:

##### 1. Internal factors

Internal factors include the desire or drive within oneself to commit illegal fishing. One of the internal factors is the lack of awareness and obedience to the law. Paul Scholten argues that legal awareness possessed by citizens does not guarantee that they will obey a rule of law or legislation (15).

##### 2. External Factors

External factors are motivational factors from outside oneself when committing a criminal offense. One of the most crucial factors is the economic factor of the perpetrator. The poor economic condition of the perpetrator of a criminal offense gives him unrest, so he looks for efforts that can benefit him even though it is a criminal offense. This is stated in the socialist theory that crime arises because of unbalanced economic pressure in society (16). External factors that cause criminal acts in Lampung waters include:

##### a. Geographical Factors

We know that Indonesia's oceans are vast; about 75% of Indonesia's territory is ocean, where the wider the oceans are owned, the more effort must be spent to protect them. The sea also requires special attention to maintain its security and sustainability, so Indonesia must make more efforts to monitor activities that occur in the ocean.



b. Economic Factors

Economic factors also contribute to the occurrence of criminal acts at sea. Like crimes committed on land, especially theft, most motives are because they need money. The perpetrators instantly want some money, such as by committing illegal fishing, piracy, and theft of cultural heritage objects. This reason is reinforced by the vast territory of Indonesia so that the perpetrators can explore the waters without being caught by the security forces (17).

c. Education Factors

Education is also an important factor in looking at the criminological factors of piracy. When a person has a high and proper education, they will receive early education about everything. With this education, it is very important to minimize violations in Lampung waters. However, anything can happen, and a highly educated person can potentially commit a criminal offense, which is a large-scale and well-planned piracy. The more highly educated and wealthier a person is, the less likely they are to commit a crime that violates the social norms of society (18).

The preventive efforts that can be done in Lampung waters are:

1. Conduct socialization with the community, especially the community around North Maluku waters, regarding proper fishing procedures, things that are prohibited when fishing, and licensing mechanisms.
2. Invite the community to conduct monitoring of fisheries and marine resources by forming a community for such monitoring.
3. Establishment of a special monitoring commission for fisheries and marine crimes.
4. Implementation of the Vessel Monitoring System.
5. A vessel monitoring system is defined as a form of surveillance system in the fishing and/or transportation sector, using satellites and transmitter equipment located on fishing vessels. It aims to simplify the supervision and monitoring of fishing vessel activities or activities based on the position of the vessel monitored on the vessel monitoring system monitor at the fishing vessel monitoring center (19).

Repressive approach, which, in principle, is carried out after the occurrence of a criminal offense. This repressive approach is aimed at law enforcement. Firm and complete law enforcement can provide a deterrent effect to the perpetrator in particular so as not to repeat the same or worse actions and provide lessons to all communities so as not to do this by the purpose of punishment, namely so that there is no repetition of the same act. One of the community's participation in fisheries supervision is by preventing criminal acts by conducting surveillance and reporting to law enforcement officials if there is a criminal act in the water area.

The community's role in overcoming criminal acts is also regulated in the Criminal Procedure Code. Article 108 of the Criminal Procedure Code states that every person who experiences, sees, witnesses, and becomes a victim of an event that constitutes a criminal offense has the right to file a report. Everyone aware of an evil promise to commit a criminal offense against public peace and security or against life or property is obliged to report it to the investigator or investigator immediately. With these two legal provisions,



the formal juridical involvement of the community in efforts to prevent fisheries crime has a clear legal basis (20).

Integral Policy (Balance) emphasizes the relationship between Criminal Policy and Social/Development Policy, between penal and non-penal, between symptomatic and causative treatment, between the treatment of offenders and the treatment of society, between the treatment of offenders and treatment of the victim, between individual responsibility and structural/functional responsibility, between the formal legal system and informal/traditional extra-legal system, between policy-oriented approach and value-oriented approach.

The basic/principal strategy of crime prevention is to eliminate the causal factors/conditions that lead to the occurrence of criminal acts. Crime prevention and criminal justice must be pursued with integral/systemic policies (not simplistic and fragmentary). It is necessary to improve the quality of law enforcement officers and improve the quality of institutions and organizational/data management systems. It is important to choose an integral policy because policies and initiatives to prevent criminal activity are fundamentally a part of social defense and welfare initiatives as well as attempts to safeguard society. Criminal policy includes initiatives and regulations aimed at deterring and combating criminal activity. This criminal policy is inextricably linked to a larger policy, social policy, which encompasses social welfare policies and community protection policies (social defense policies). Thus, it can be concluded that "the protection of society to achieve public welfare" is the ultimate purpose or primary objective of criminal politics." (21).

Efforts to overcome criminal acts need to be pursued with a policy approach in the sense that: (1) There is an integration (integrality) between criminal politics and social politics; (2) There is an integration (integrality) between efforts to overcome criminal acts with "penal" and "non-penal". The Lampung Police Directorate of Waters carries out criminal law enforcement as a law enforcement institution against criminal acts in Lampung waters. The Police function of the Directorate of Water Police is based on its duties, functions, and authorities as stipulated in Article 202 of the Regulation of the Chief of the Indonesian National Police No.22 of 2010 concerning Organizational Structure and Work Procedures at the Regional Police Level, Ditpolair is an implementing element of the Polda's main tasks under the Kapolda. Ditpolair is tasked with organizing water police functions, which include patrols, TPTKP in the waters, SAR in the waters, and coastal or water community service, as well as fostering water police functions within Polda.

To overcome criminal acts in Lampung waters, the main function of Ditpolair Polda Lampung is to conduct investigations and investigations. Members of Ditpolair, as soon as possible, respond to any report from a member of the public or find a criminal offense by opening an inquiry, as the report needs substantial evidence to substantiate its classification as a criminal act. To ascertain whether or not an inquiry may be conducted, the investigator's sequence of steps in this case seeks to locate an incident that may have been a criminal violation. The goal of the investigation is not to identify individuals; rather, it is to identify illegal events. An investigation does not always need to come before

an investigation action. Investigators are able to launch an investigation as soon as they discover something that is thought to be a criminal violation (22).

The process carried out by the Police is under Article 1 Point (2) of the Criminal Procedure Code, that the act of investigation is nothing other than a "series" of actions to seek and collect evidence so that the criminal act is clear. The suspect and the criminal case file can be submitted to the public prosecutor. The suspect's full name, place of birth, age or date of birth, gender, nationality, residence location, religion, and occupation are all included in the criminal case file. Furthermore, a thorough, precise, and comprehensive account of the alleged criminal offense is given, together with the date and location of the alleged offense (23).

## CONCLUSION

**Fundamental Finding :** This study reveals that between 2022 and 2024, Lampung waters were significantly affected by diverse forms of criminal acts, including but not limited to smuggling, illegal fishing, drug trafficking, and extortion. These offenses necessitated the implementation of integrated preventive and repressive strategies aimed at both societal protection and social welfare advancement. Preventive efforts such as improving socio-economic conditions, enhancing legal awareness, and increasing community discipline were complemented by repressive actions focusing on law enforcement to establish deterrence. **Implication :** These findings highlight the necessity of a holistic criminal justice approach that combines social development with strict enforcement to effectively address maritime crimes. Additionally, the integration of community-based interventions with state-led patrols may enhance long-term security in coastal regions. **Limitation :** However, this research is limited by the lack of granular data on the frequency and geographical distribution of each criminal act, which restricts the depth of spatial and causal analysis. **Future Research :** Future studies should incorporate quantitative geospatial analysis and stakeholder interviews to explore the root causes of maritime crime and assess the efficacy of implemented strategies in different local contexts.

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